

MEMO ENDORSED



August 15, 2023

Via ECF and Electronic Mail
Hon. Andrew L. Carter, Jr.
United States District Court Judge
Southern District of New York
40 Foley Square, Courtroom 1306
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 3/31/24

Re: Blockchain Mining Supply and Services, Ltd. v. Digital Farms, Inc. (f/k/a Super Crypto Mining, Inc.) and Ault Alliance, Inc. (f/k/a DPW Holdings, Inc.),
No. 18-CV-11099-ALC-BCM

Defendants' Letter Motion to File Under Seal Portions of and Exhibits to
Defendants' Opposition to Plaintiff's Motion for Summary Judgment

Dear Judge Carter:

Defendants Digital Farms, Inc. (f/k/a Super Crypto Mining, Inc.) ("DF") and Ault Alliance, Inc. (f/k/a DPW Holdings, Inc.) ("DPW" and with "DF" collectively, "Defendants") respectfully submit this letter motion seeking an order permitting Defendants to file under seal: (1) portions of Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment, which are marked therein; (2) portions of Defendants' Response to Plaintiff's Local Civil Rule 56.1 Statement and Defendants' Supplemental Statement of Material Facts that Preclude Summary Judgment, which are marked therein (collectively, the "Moving Papers"); and (3) the below exhibits attached to the Supplemental Declaration of Darren Magot, dated August 12, 2023 ("Magot Supp. Decl."), and the Supplemental Declaration of Robert B. Volynsky dated, August 12, 2023 ("Volynsky Supp. Decl."): **(1) Magot Supp. Decl., Ex. 2; (2) Magot Supp. Decl., Ex. 3; (3) Magot Supp. Decl., Ex. 4; (4) Magot Supp. Decl., Ex. 5; (5) Magot Supp. Decl., Ex. 6; (6) Magot Supp. Decl., Ex. 7; (7) Volynsky Supp. Decl., Ex. 47; (8) Volynsky Supp. Decl., Ex. 53.**

The redacted portions of the Moving Papers, as well as the Exhibits, in full, listed above have been designated by Defendants or Plaintiff as "Confidential," pursuant to the Protective Order jointly filed by the parties in this action. [DE 43]. The exhibits attached to the Magot Supp. Decl. are comprised of internal business records and corporate governance documents, as well as agreements with vendor(s) in which Super Crypto's confidentiality interests outweigh the value of information to the public. *See e.g., Trellian Pty, Ltd. v. adMarketplace, Inc.*, 2021 U.S. Dist. LEXIS 20657 (S.D.N.Y. Feb. 3, 2021) (permitting redactions of "customer lists, pricing structures, specific price quotations, pricing-derivative information and revenue projections for former current and potential future customers" in otherwise responsive documents).

Defendants further note and agree with Plaintiff that although the Court has not yet so-ordered the Protective Order, the parties have produced and designated documents in accordance with the Protective Order.

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Accordingly, Defendants respectfully request that the Court permit the foregoing documents to be filed under seal. Defendants are simultaneously filing placeholders for the Exhibits and redacted versions of the other aforementioned documents.

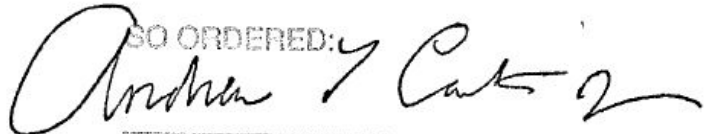
Respectfully submitted,

/s/ Robert B. Volynsky

Robert B. Volynsky (rvolynsky@weltz.law)

Attorneys for Defendants

cc: All Counsel of Record

SO ORDERED: 

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

March 31, 2024
New York, New York